



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FIRST CLASS MAIL

JAN 28 2004

Walter L. Roberts
507 W. Choctaw Avenue
McAlester, OK 74501-4438

RE: MURs 4818 and 4933
Walter L. Roberts
Walt Roberts for Congress

Dear Mr. Roberts:

On January 23, 2004, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of violations by Walter L. Roberts of 2 U.S.C. §§ 432(h), 441a(a)(1)(A), and violations by Walt Roberts for Congress of 2 U.S.C. §§ 432(h), 434(b), 441a(a)(1)(A) and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to Walter L. Roberts and Walt Roberts for Congress.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret J. Toalson".

Margaret J. Toalson
Attorney

Enclosure
Conciliation Agreement

204-694-1650

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 JAN 12 A 11: 35

In the Matter of

Walter L. Roberts
Walt Roberts for Congress

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MURs 4818 and 4933

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Senators Don Nickles and James M. Inhofe, and Representatives Tom Coburn, Ernest Istook, Jr., Steve Largent, Frank D. Lucas, Wes W. Watkins and J.C. Watts, Jr., and their respective campaign committees. An investigation was conducted, and the Federal Election Commission ("Commission") found probable cause to believe that Walter L. Roberts knowingly and willfully violated 2 U.S.C. §§ 441a(f), 441f and 432(h), and that Walt Roberts for Congress knowingly and willfully violated 2 U.S.C. §§ 434(b), 441a(f), 441f, and 432(h) ("Respondents").

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

Actors

1. Walter L. Roberts was a candidate for Oklahoma's Third Congressional District for the U.S. House of Representatives in 1998. Roberts is also an artist and was the owner of Walt Roberts Auction Company ("Auction Company"), located in McAlester, Oklahoma.
2. Walt Roberts for Congress was the political committee within the meaning of 2 U.S.C. § 431(4) for Roberts (the "Committee").
3. The primary election for the Democratic nomination to represent Oklahoma's Third Congressional District occurred on August 25, 1998. Roberts received the most votes in the primary, but not enough to avoid a runoff election, held on September 15, 1998, which he won. Roberts lost the November 3, 1998 general election.
4. Gene Stipe ("Stipe") was the founder of the Stipe Law Firm (the "Firm"), located in McAlester, Oklahoma, where he was a senior partner until 2003. In 2003, the Firm changed its name to Stipe, Harper, Laizure, Uselton, Edwards & Belote, LLP. Gene Stipe was also a former Oklahoma state senator representing a portion of Southeastern Oklahoma, and a political mentor and friend to Roberts. Gene Stipe was fundamentally involved in running Roberts' campaign and Committee, from making strategic decisions to hiring and firing of staff.

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5. Charlene Spears was an employee at the Firm and Stipe's personal secretary and executive assistant. Spears was a primary figure in the Roberts' campaign. In the campaign Spears made decisions on campaign purchases and events, instructing staff and volunteers, and handled most of the campaign's banking.
6. James Lane was the former majority leader of the Oklahoma state senate and is a friend of Stipe and Roberts. Lane also advised Roberts during the campaign.
7. Deanna Coxsey was an employee at the Firm and also performed administrative duties for the Roberts campaign, including collecting and depositing contributions, and signing campaign checks.
8. Anne Prather is a friend and acquaintance of Spears and was hired by the Roberts campaign.
9. Louise Crosslin, now deceased, was a long-time personal friend to Gene Stipe and former business partner. For many years, Stipe has provided large sums of money to Crosslin.
10. Michael Mass is an acquaintance of Stipe.
11. Larry Morgan is an acquaintance of Stipe.
12. Paul Beavers and Edith Susie Beavers are acquaintances of Stipe.
13. Harold Massey, Sr., is an acquaintance of Stipe.
14. Francis Stipe is Gene Stipe's brother.

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15. Mike Blessington is an attorney who rents space and uses equipment and services of the Firm, and a personal friend of Stipe.

Applicable Law

16. The Federal Election Campaign Act of 1971, as amended (the "Act"), makes it unlawful for any person to contribute to any candidate and his authorized political committee for Federal office to \$1,000 per election.
- 2 U.S.C. § 441a(a)(1)(A). Nor can an individual make contributions aggregating more than \$25,000 in any calendar year. 2 U.S.C. § 441a(a)(3).
17. The Act also prohibits any candidate or political committee from knowingly accepting any contribution or making any expenditure in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).
18. The Act provides that all receipts received by a political committee must be deposited in a designated account and all disbursements made by a political committee (other than proper petty cash disbursements) be made by check drawn on the committee's designated account. 2 U.S.C. § 432(h).
19. It is also unlawful for any person to make a contribution in the name of another, or for any person to knowingly permit his or her name to be used to make such a contribution. Moreover, no person may knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii).

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20. Treasurers of a political committee must file reports of receipts and disbursements in accordance with the provisions of the Act, including candidate loans. 2 U.S.C. § 434.

21. Third party payments of a candidate's personal expenses are contributions unless the payment would have been made irrespective of the candidacy.

11 C.F.R. § 113.1(g)(6).

Factual Background

22. Over the course of several months in 1998, Stipe made multiple contributions to Walt Roberts and Walt Roberts for Congress, disguising them, with the help and assistance of others, as otherwise legitimate and non-related transactions. In one scheme Stipe made a \$67,500 contribution and attempted to disguise it through an elaborate "cattle sale" that never occurred. In another scheme, Stipe made a \$55,000 contribution and disguised it through a scam option contract. A third scheme involved the payment of \$17,000 by the Firm for advertising expenses that never existed. In yet another scheme, Stipe, with the assistance of Lane, made a \$20,500 contribution but disguised it as the sale of a stock trailer when no sale actually occurred. Stipe also made surreptitious payments to Roberts for his personal expenses during the campaign, reimbursements to Lane for Roberts' campaign expenses, and additional contributions disguised as a legitimate art auction. In addition, Stipe made \$89,689 in contributions by transferring the money to others who then transferred the money to 39 straw contributors. Stipe's brother, Francis Stipe also made a \$50,000 contribution to

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Walt Roberts for Congress, disguised as a loan. In each of these schemes, Walt Roberts for Congress either failed to report the contribution, or knowingly disguised the contribution to hide the fact that Stipe was the source of these contributions.

23. On February 12, 1998, Roberts filed his Statement of Candidacy and began campaign operations out of a local office. Shortly thereafter, and for the rest of the entire campaign period, the Firm was the de facto campaign headquarters for Roberts' campaign. The Firm intercepted all calls from the office designated as Roberts' campaign headquarters, served as a clearing house and provided all equipment and office supplies for Roberts' campaign. Media vendors contacted Stipe and Spears at the Firm directly, by-passing the office designated as Roberts' campaign headquarters. Even the local media called the Firm with questions about Roberts' campaign. The Committee used the Firm as campaign headquarters. The Firm's fax machine, copy machines, computers and video equipment were also used for the campaign. Stipe authorized this use of the Firm's office space and equipment. However, the Committee never paid the Firm for the use of these facilities, and never reported this in-kind contribution by the Firm.

24. Beginning in March 1998, Roberts and Stipe agreed that Stipe would pay all of Robert's personal bills during the campaign. Roberts then began forwarding his personal bills to Spears at the Firm. Charlene Spears paid these bills at Stipe's direction. Roberts accepted payment from Stipe to cover

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his personal expenses, totaling \$37,070. The payments were for a wide variety of personal expenses, including bank loans/mortgages, taxes, gas and cable bills, membership dues, medical care, telephone expenses, flowers and credit card payments. These payments were never reflected on the Committee's reports filed with the Commission. Stipe made no payments to Roberts in the 10 years preceding Roberts' congressional candidacy.

25. During the Commission's investigation, and until approximately August 2003, Roberts continued to receive monthly \$3,500 payments from Stipe. Roberts knew that Stipe continued making payments even after the campaign to hide the fact that the payments in 1998 were intended to further Roberts' candidacy.

26. In or about March 1998, Walt Roberts for Congress was in need of money so that it could obtain matching funds from the Democratic Congressional Campaign Committee. Roberts communicated this need to Stipe, Spears, and others. In March 1998, Stipe asked Roberts if Roberts had anything he could sell to raise funds for the campaign. Roberts replied that the only thing he owned that he could sell was a livestock trailer that was worth \$8,000-10,000. Stipe then approached Lane and asked him to purchase the trailer for \$20,000, using Stipe's money, with the intent that it would be funneled to the Committee as a contribution. Stipe then told Roberts that Lane agreed to participate in the scheme to make a contribution in Lane's name to Walt Roberts for Congress using money that would come from Stipe. The parties

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agreed that to hide this contribution Lane would buy the livestock trailer that Roberts' owned. On March 29, 1998, Mr. Lane wrote a check to Roberts' Auction Company in the amount of \$20,500, allegedly to purchase the livestock trailer, although Lane never took possession of the trailer. Subsequently, Lane received a \$20,000 money order drawn from Stipe's account from Spears. On April 6, 1998, Lane deposited the \$20,000 money order into his account, to cover the bogus sale. And on April 9, 1998, Roberts, through his Auction Company, then wrote a check for \$20,500 to Walt Roberts for Congress, which the Committee then deposited into its own account. Therefore, the \$20,500 contribution that appeared in the Committee's disclosure reports as a contribution from Walt Roberts was really a \$20,000 contribution from Gene Stipe and a \$500 contribution from Lane, which Roberts and the Committee knew about and never reported as such.

27. In addition, from May to July, 1998, Spears gave four checks payable to Lane or "cash" from Stipe's bank account totaling approximately \$24,000. Spears instructed Lane to use this money to pay for campaign expenses of Walt Roberts for Congress. From May through July, 1998, Lane used these approximately \$24,000 worth of checks to pay for campaign expenses of Walt Roberts for Congress. Often Lane would use his personal credit card to pay for Roberts' campaign expenses, and then paid his credit card bill with monies he obtained from Spears.

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28. In September 1998, Spears gave Lane five additional checks payable to Lane or "cash" from Stipe's bank account, this time totaling \$22,980. Lane received a check \$3,500 dated September 1, 1998, a check for \$2,490 dated September 3, 1998, a check for \$2,490 dated September 3, 1998, a check for \$9,500 dated September 9, 1998, and a check for \$5,000 dated October 12, 1998. Spears again instructed Lane to use this money to pay for campaign expenses of Walt Roberts for Congress, which Lane did in September and October 1998. Walt Roberts for Congress never reported either Lane's \$24,000 or Lane's \$22,980 in contributions made to pay campaign expenses as coming from Stipe or Lane.
29. In early 1998, Stipe had conversations with Spears and expressed his desire to get Walt Roberts elected to Congress. After these conversations, Stipe gave money to Spears and others, including Michael Mass, Larry Morgan, Paul Beavers and Edith Susie Beavers, and Harold Massey, Sr., with the intent that they would distribute it to others to make contributions to Roberts' campaign. Spears also approached others and gave money to a number of straw contributors, asking them to make contributions with this money to Walt Roberts' campaign in their own names. The money was either given directly by Spears to the straw contributors or through third persons. As a direct result of these reimbursements, Stipe admits that at least 94 contributions were made by Stipe totaling at least \$89,689. Roberts and the Committee received at

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least \$89,689 in contributions from these persons, which Roberts and the Committee knew were illegally reimbursed with funds by Gene Stipe.

30. In August 1998, Stipe and Lane told Roberts that the Firm would pay Roberts \$17,000 which he could then use for the campaign. The cover story that Stipe created to hide this contribution was that this money was supposedly for advertising and consulting work that Roberts had performed in the past and for work that would be performed by Roberts in the future. Stipe, Lane, and Roberts never intended for Roberts to perform any work for the Firm at any time for the \$17,000 payment. On August 17, 1998, the Firm issued a check for \$17,000 to Roberts. On the same day, that check was deposited into the Auction Company's bank account. Also on the same day, the Committee deposited a \$17,000 check from the Auction Company into the Committee's bank account. Roberts did not perform, nor intend to perform, any services for the Firm, at any time, to earn the \$17,000 he received. Therefore, the \$17,000 payment from Stipe and the Firm to Roberts was really a \$17,000 contribution from Gene Stipe and the Firm, which Roberts and the Committee knew about and never reported.

31. In August 1998, Lane told Roberts that the campaign needed \$67,500 to purchase media advertisements (the "media buy"). On August 6, 1998, Stipe told Roberts that he could provide the \$67,500 to Walt Roberts for Congress for the media buy. Stipe then instructed Spears on the same day to pay Roberts \$67,500 from his personal bank account. On August 7, 1998, Roberts

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deposited the check from Stipe into the Auction Company's bank account, and then transferred \$67,500 to Walt Roberts for Congress. That same day, the Committee wired \$67,500 to a media company to for campaign advertisements. The Committee, through Roberts, reported the August 7th deposit of \$67,500 as a loan from Roberts' personal funds to the Committee. Shortly thereafter, media began to scrutinize and question how Roberts could afford to provide \$67,500 to his campaign, which was more than a year of his salary. The media called the Firm about this \$67,500 transaction. Stipe, while in the Firm and in the presence of Eddie Harper, a partner of the Firm, told Roberts if there were questions about where the money came from, then he should say it was from "the sale of cattle," when no cattle sale, in fact, ever took place.

32. In late August, however, after increased scrutiny, Stipe directed Roberts to actually make a cattle purchase to further the deceptiveness of the scheme involving this contribution for around \$60,000. On August 27, 1998, Spears provided Roberts with two cashier's checks for \$40,900 and \$20,000, which were payable to and endorsed by Stipe. On or about the same day, Roberts purchased \$60,900 worth of cattle from sellers in Texas using these two cashier's checks. The cattle arrived at Stipe's ranch in early September 1998. The purpose of this separate transaction was to conceal the fact that the initial \$67,500 was not for cattle but was actually a contribution by Stipe to the

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Committee. Stipe has since sold the cattle used to conceal his initial \$67,500 contribution.

33. Therefore, the \$67,500 payment from Stipe to Roberts and the Committee was really a \$67,500 contribution from Gene Stipe, which Roberts and the Committee knew about and never reported as such.

34. In August 1998, Roberts and the Committee needed \$55,000 for another media buy. Stipe again told Roberts that he could personally infuse Roberts' campaign with \$55,000 for this media buy so long as another scheme to hide the true nature of the contribution was developed. This time Stipe told Roberts that he should say that the money was for artwork and that Stipe would have an attorney, Michael Blessington, draw up a false option contract for this artwork. Later that month, Roberts agreed to sign a handwritten document drafted by Michael Blessington and titled "Option Agreement," which claimed to give Stipe a one-half interest in Roberts' art work in exchange for annual \$35,000 payments. Stipe and Roberts dated the handwritten contract December 12, 1997, even though both knew it had not even been drafted until August 1998. On August 19, 1998, Stipe gave Roberts a check for \$70,000 drawn from Stipe's bank account. This was intended to be explainable as two years of payments under the false option contract. On August 19, 1998, Roberts deposited this \$70,000 check into his Auction Company account. On the same day, Roberts wired two campaign media companies a total of \$55,000 for media buys from the Auction Company

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account. This was never disclosed on the Committee's reports to the Commission. Roberts knew the option contract was purposefully drafted by Stipe and Blessington to hide Stipe's contribution and payment for the campaign media ads. Stipe never received, nor intended to receive, any interest in any of Roberts' artwork, nor proceeds from Roberts' artwork, as the option contract alleged.

35. Therefore, the \$70,000 payment from Stipe to Roberts and the Committee was really a \$55,000 contribution from Stipe, which Roberts and the Committee knew about and never reported as such, and a \$15,000 contribution from Gene Stipe that would later be used by Roberts for campaign expenses, which Roberts and the Committee knew about and never reported as such.

36. In another scheme to funnel contributions to the Committee, Spears was instructed by Gene Stipe to call William Layden, then owner of the McAlester Industrial Credit Corporation, a defunct corporation, to arrange a \$50,000 "loan" to the Roberts' campaign. Because the McAlester Industrial Credit Corporation was defunct, Layden then contacted Francis Stipe, who agreed to give \$50,000 to Roberts and the Committee, disguised as a loan to Roberts. After the bogus loan was arranged, Spears then called Roberts and informed him that Layden was loaning him \$50,000, and instructed him to pick up the money. Roberts reported this contribution as a candidate loan from the McAlester Industrial Credit Corporation to the Committee. On September 11, 1998, the same date that this contribution was deposited into the Committee's

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account, Roberts' campaign made \$34,000 in payments to several television stations for media purchases just days prior to the September 15 runoff election when the campaign, as Roberts has acknowledged, desperately needed the money.

37. Subsequently, the Commission notified the Committee through Spears that the loan from the McAlester Industrial Credit Corporation was illegal because it came from a corporation and not an appropriate lender. To remedy this, Gene Stipe and Spears prearranged to have Roberts sign a promissory note at a bank in McAlester for this loan, which he did, to give the loan the appearance of legitimacy. In reality, Gene Stipe signed a second promissory note for \$50,000 that was kept secret by the bank as the true source of collateral for the loan.

38. On September 11, 1998, Roberts held an art auction through his Auction Company. The event was held at the Ramada Inn in McAlester, Oklahoma. The asserted purpose of the auction was to sell sculptures created by Roberts to repay the \$67,500 "cattle loan" to Stipe that had raised so much negative publicity. At Stipe's direction, Roberts prepared a list of past buyer's of his sculptures and gave that list to Spears. Stipe also instructed Spears to recruit others to bid on items at the auction for which he would then reimburse, which she did. Spears then took Roberts' list and a separately prepared list of pre-determined bidders, and created invitations to the auction at the Firm, which

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she sent out. Of the 146 persons on the auction invitation list, 112 contributed to Walt Roberts for Congress either before or after the auction.

39. At the auction, a total of \$148,175 was raised by selling 27 sculptures and pieces of art. For example, Stipe told Louise Crosslin that she should purchase anything she wanted at the auction and that he would pay for it. Crosslin subsequently won bids on several pieces, totaling \$35,250. Stipe then directed Spears to draw up a check for \$45,250 to Crosslin. This check was for a contribution to the Committee through the art auction. Subsequently, at Spears' request, Roberts authorized Spears to contact the foundry that did the castings of his bronze sculptures, which she did. As directed by Stipe, Spears used Stipe's money to also pay the foundry for cost of the casting of the art auction pieces. Later, those pieces were delivered to each respective bidder that was reimbursed with Stipe's money. At least \$77,500 of the funds received as a result of the auction were used for the campaign and his Committee.

40. On February 14, 2003, Roberts was charged with conspiracy to violate the Act and conspiracy to obstruct an investigation of the Commission in violation of 18 U.S.C. § 371. Roberts' financial condition qualified him to be represented by a public defender in the criminal matter. On March 5, 2003, Roberts pleaded guilty to conspiracy to violate the Act, in misdemeanor violation of 18 U.S.C. § 371, and conspiracy to obstruct an investigation of the Commission, in felony violation of 18 U.S.C. § 371. On July 15, 2003,

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Roberts received a sentence of two years probation for each count to run concurrently, and 200 hours of community service for his criminal actions.

Violations

V. Respondent Walt Roberts knowingly and willfully violated 2 U.S.C. §§ 432(h), 441a(f), and 441f by failing to report all receipts and disbursements, by knowingly accepting excessive contributions, by failing to deposit all receipts received into the Committee's designated account and making disbursements from a non-designated account, and by knowingly assisting others in making contributions in the name of another. Respondent Walt Roberts will cease and desist from violating 2 U.S.C. §§ 432(h), 441a(f), and 441f.

VI. Respondent Walt Roberts for Congress knowingly and willfully violated 2 U.S.C. §§ 432(h), 434(b), 441a(f), and 441f by failing to report all receipts and disbursements, by knowingly accepting excessive contributions, by failing to deposit all receipts received into the Committee's designated account and making disbursements from a non-designated account, and by knowingly assisting others in making contributions in the name of another. Respondent Walt Roberts for Congress will cease and desist from violating 2 U.S.C. §§ 432(h), 434(b), 441a(f), and 441f.

Civil Penalty

VII. The Commission has determined that the appropriate civil penalty in this matter is Nine Hundred Thirty-Three Thousand Dollars (\$933,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(B). Respondents Walt Roberts and Walt Roberts for Congress agree that this civil penalty is appropriate in this matter. Respondents Walt Roberts and Walt Roberts for Congress, contend, however, that financial hardship prevents Roberts from paying any civil penalty and

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have submitted extensive financial documentation in support of this claim. The Commission regards this documentation as a material representation. Due to the mitigating circumstance pertaining to Respondents' material representation of his financial condition, the Commission agrees to depart substantially from the civil penalty that Respondents and the Commission agree is justified in this matter, and the Commission agrees that no civil penalty shall be owing. In the event that this agreement is violated a civil penalty of Nine Hundred Thirty-Three Thousand Dollars (\$933,000.00) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(B).

Other Provisions

VIII. Respondent agrees that the Commission's acceptance of this agreement is conditioned on the truthfulness and completeness of information provided to the Commission. Respondent agrees to cooperate with the Commission in any proceeding against any other person regarding the Respondent's involvement in the facts and circumstances related to this matter. Respondent further agrees that if he falsely stated or failed to disclose material information concerning his involvement in the facts and circumstances related to this matter, or if he falsely stated or failed to disclose material information concerning his financial condition, such false statement or omission shall constitute a violation by Respondent of this agreement.

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY: *Rhonda J. Vosdingh* 1/28/04
Rhonda J. Vosdingh Date
Associate General Counsel
for Enforcement

FOR THE RESPONDENTS:

Walter L. Roberts 1/6/04
Walter L. Roberts Date

Walt Roberts 1/6/04
Walt Roberts for Congress Date